

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

SARAH KENDRICK,)	
)	
Plaintiff,)	
)	Case No. 4:15-cv-41
v.)	
)	
WEST COUNTY MOTOR COMPANY, INC.,)	
)	
CHANCE EARNEST,)	
)	
ORSON GUYTON,)	
)	
Defendants.)	

NOTICE OF REMOVAL

COMES NOW Defendant West County Motor Company, Inc., Chance Earnest, and Orson Guyton (hereinafter “Defendants”), by and through the undersigned counsel, pursuant to 28 U.S.C. §§ 1331, 1441, and 1446 and files its Notice of Removal of the above-captioned cause of action to the United States District Court for the Eastern District of Missouri, Eastern Division. As grounds for removal, Universal states as follows:

1. The above-captioned cause of action was filed in the Circuit Court of St. Louis County, Missouri, on December 15, 2014.
2. On January 8, 2015, Bryan M. Kaemmerer and Brian E. McGovern entered their appearance on behalf of West County Motor Company, Inc. d/b/a West County BMW, Chance Earnest, and Orson Guyton, and thereby waived service of process.

3. The Summons and Petition for the Civil Case, constitute all process, pleadings served on Defendants as of the date of this Notice of Removal. In accordance with 28 U.S.C. § 1446(a), a copy of all papers and pleadings that have been filed and served in the State Court Action are attached to this Notice of Removal as **Exhibit A**.

4. This Notice of Removal is timely in accordance with 28 U.S.C. § 1446(b).

5. This Court has original subject matter jurisdiction pursuant to 28 U.S.C. § 1331 in that Plaintiff alleges a cause of action under the Racketeering Influenced and Corrupt Organizations Act (“RICO”)

6. In accordance with 28 U.S.C. § 1446(d), Defendants will file a Notice of Filing of Notice of Removal in the Circuit Court of St. Louis County, Missouri with a copy of this Notice Removal attached as an exhibit thereto. A copy of the Notice of Filing of Notice of Removal is attached hereto as **Exhibit B**. Both the Notice of Removal and the Notice of Filing of Notice of Removal will be served upon counsel for Plaintiff.

WHEREFORE Defendants respectfully request that the above-captioned cause of action be removed from the Circuit Court of St. Louis County, Missouri to the United States District Court for the Eastern District of Missouri, Eastern Division, and for such other and further relief as this Court deems just and proper under the circumstances.

Respectfully submitted,

McCARTHY, LEONARD, KAEMMERER, L.C.

By: /s/ Bryan M. Kaemmerer
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 8th day of January 2015, the foregoing was filed electronically with the Clerk of Court, therefore to be served electronically by operation of the Court's electronic filing system upon the following:

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Attorney for Plaintiff

/s/ Bryan M. Kaemmerer